

REMARKS

In view of the following remarks, reconsideration and further examination are respectfully requested.

Independent claims 15 and 20 have been amended to clarify features of the invention recited therein and to further distinguish from the references identified in the rejections discussed below.

Claims 15, 16, 18-20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Terada et al. (U.S. 6,111,883), Morehead et al. (U.S. 2002/0077801) and Pandya et al. (U.S. 7,260,635). Further, claims 17 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Terada, Morehead, Pandya and Jacobi et al. (U.S. 6,996,818). These rejections are believed clearly inapplicable to claims 15-22 for the following reasons.

Independent claim 15 recites a method of controlling access of a terminal to a server. Further claim 15 recites (1) permitting a transmission of packets according to first condition, (2) after permitting the transmission according to the first condition, changing the conditions limiting the transmission of the packets so that the packets are transmitted according to a second condition generated from the first conditions, wherein (3) the conditions are changed to the second conditions when the server acknowledges a connection, between the server and the terminal, in which the transmission of the packets is limited according to the first conditions. In addition, claim 15 recites that (4) the first conditions and the second conditions represent a bandwidth limitation of the transmission of the packets, such that the bandwidth limitation represented by the first conditions is narrower than the bandwidth limitation represented by the

second conditions. Terada, Morehead and Pandya fail to disclose or suggest above-mentioned distinguishing features (1)-(4), as required by claim 15, for the following reasons.

The above-mentioned rejection relies on col. 7, lines 54-64 of Terada for teaching above-mentioned distinguishing features (1) and (2) as recited in claim 15. However, Terada merely teaches establishing a communication route between a user's terminal 3b, a repeater 2c (acting as a firewall), and a target terminal 3e by (i) sending a connection request packet P1 from the user's terminal 3b to the repeater 2c, (ii) using the repeater 2c to grant or deny the connection request sent from the user's terminal 3b, wherein (iii) if the user's request is allowed (i.e., the user is permitted to use the repeater 2c to communicate to the target terminal 3c), then a connection confirmation packet P2 is transmitted to the user's terminal (see Fig. 11 and col. 7, lines 54-67).

Thus, in view of the above, it is clear that Terada merely teaches that a request to communicate to a target terminal 3e is either granted or denied, and if granted, then a confirmation is sent from the repeater (firewall) to the user, but still fails to disclose or suggest (1) permitting a transmission of packets according to first condition, and (2) after permitting the transmission according to the first condition, changing the conditions limiting the transmission of the packets so that the packets are transmitted according to a second condition, as required by claim 15.

In other words, Terada's disclosure of granting/denying a communication request, is not a disclosure or suggestion of (1) permitting a transmission according to a first condition, and (2) after permitting the transmission according to the first condition, changing the conditions of the transmission so that the packets are transmitted according to a second condition, as recited in claim 15. Specifically, the portions of Terada relied upon in the above-mentioned rejection are

related to the grant/denial of the transmission of data via a repeater/firewall, which is not at all related to transmitting packets according to conditions (i.e., the packets are being transmitted according to first or second conditions), as required by claim 15.

Additionally, the above-mentioned rejection acknowledges that Terada fails to disclose or suggest above-mentioned distinguishing features (3) and (4), as recited in claim 15, and relies on Morehead and Pandya for teaching the features that are admittedly lacking from Terada.

However, Morehead merely teaches maintaining and initiating multiple connections between a server and target devices (see paragraph [0011]), but still fails to disclose or suggest that (3) the conditions are changed to the second conditions when the server acknowledges a connection, between the server and the terminal, in which the transmission of the packets is limited according to the first conditions, and (4) the first conditions and the second conditions represent a bandwidth limitation of the transmission of the packets, such that the bandwidth limitation represented by the first conditions is narrower than the bandwidth limitation represented by the second conditions, as required by claim 15.

Furthermore, the above-mentioned Pandya reference merely teaches the introduction of Quality of Service (QoS) techniques which allow network-aware applications to request/receive a predictable level of service in terms of bandwidth, wherein the QoS techniques include disallowing certain types of packets and slowing transmission rates (see col. 2, lines 38-46). More specifically, Pandya teaches that network bandwidth can be increased whenever a computer is accessed by a customer (see col. 8, lines 44-57).

Thus, in view of the above, it is apparent that Pandya does in fact teach that bandwidth can be increased when a computer is accessed. However, Pandya's disclosure of increasing

bandwidth when a computer is accessed is not a disclosure or suggestion of (3) changing the transmission conditions to the second conditions (generated from the first conditions) when the server acknowledges a connection, between the server and the terminal, in which the transmission of the packets is limited according to the first conditions, wherein (4) the first conditions and the second conditions represent a bandwidth limitation of the transmission of the packets, such that the bandwidth limitation represented by the first conditions is narrower than the bandwidth limitation represented by the second conditions, as required by claim 15.

In other words, although Pandya teaches that bandwidth can be increased, Pandya still fails to disclose or suggest permitting transmission according to a first condition, and changing the transmission from a first condition to a second condition generated from the first condition, (3) when the server acknowledges a connection in which the transmission of the packets is limited according to the first condition, as required by claim 15.

Moreover, regarding the combination of Terada, Morehead and Pandya, it is noted that Terada is related to the grant/denial of the transmission of data via a repeater/firewall. Additionally, it is noted that Morehead is related to connecting a server to targets and Pandya is related to controlling communication conditions within a network. It is respectfully submitted that the repeater/firewall of Terada is related to a completely different field of technology and is not at all related to connecting server/targets and communications control, as disclosed in Morehead and Pandya, respectively. Thus, it would not have been obvious to one of ordinary skill in the art of the present invention to combine the teachings of Terada, Morehead and Pandya.

Moreover, it is noted that the result of the invention of claim 15 is that information

related to packets is analyzed in order to allocate the proper bandwidth for the transmission of the packets by changing the bandwidth available to the transmitted packets. Accordingly, this changing of the allowed bandwidth prevents users of terminals connected to the server from utilizing more bandwidth than what is allocated based on information related to the packets.

In view of the above, it is clear that the effect of Terada is that a repeater/firewall grants/denies a user to transmit data to/from a network, and the effect of Pandya is that bandwidth is increased when a network computer is used. However, the effects of Terada and Pandya does not result in changing the allocated bandwidth to prevent users from utilizing more bandwidth than which is allocated based on the information related to the packets and based on the current bandwidth, which is the effect of the invention of claim 15, as discussed above.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 15 and claims 16-19 that depend therefrom would not have been obvious or result from any combination of Terada, Morehead and Pandya.

Amended independent claim 20 is directed to a server and recites features that correspond to the above-mentioned distinguishing features of independent claim 15. Thus, for the same reasons discussed above, it is respectfully submitted that independent claim 20 and claims 21 and 22 that depend therefrom are allowable over the prior art of record.

Regarding dependent claims 17 and 21, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terada, Morehead, and Pandya in view of Jacobi, it is respectfully submitted that Jacobi does not disclose or suggest the above-discussed features of independent claims 15 and 20 which are lacking from the Terada, Morehead and Pandya references.

Therefore, no obvious combination of Terada, Morehead and Pandya with Jacobi would result

in, or otherwise render obvious, the invention recited independent claims 15 and 20 and claims 17 and 21 that depend therefrom.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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